

SYMES  
Appl. No. 09/960,728  
February 22, 2005

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to sheet 3/4. This sheet, which includes Figs. 3 and 4, replaces the original sheet including Figs. 3 and 4.

SYMES  
Appl. No. 09/960,728  
February 22, 2005

**REMARKS/ARGUMENTS**

Claims 1-15 stand rejected in the outstanding Official Action. Claims 1, 14 and 15 have been amended and therefore claims 1-15 remain in this application.

Applicant has amended the title of the invention to be descriptive of the SIMD processing set out in Applicant's independent claims, i.e., the combination of portions of two data words with a single instruction.

The Examiner correctly notes that the arrows at the top right on Figure 4 (directly underneath the letter "k") should point to the left, and Applicant encloses herewith a replacement sheet correcting that drawing.

Claims 14 and 15 contain multiple objections under the provisions of 35 USC §112 (second paragraph). In sections 6 and 7 of the Official Action, the Examiner objects to the phrase "given by" contained in the preamble of both claims 14 and 15. The preamble has been amended in both claims to eliminate the phrase "given by," thereby obviating any further rejection.

In sections 8, 9, 12 and 13, claims 14 and 15 are objected to as lacking antecedent basis for "said data word Rn" and "said data word Rm." Applicant has amended both claims 14 and 15 to positively recite the two data words in the preamble, thereby providing clear antecedent basis for the terms.

Claim 15 is objected to in section 10 of the Official Action and has been amended as suggested by the Examiner. The objection to claim 15 in section 11 of the Official Action has been obviated by deleting the phrase "the steps." In view of the above amendments and corrections to claims 14 and 15, there is no further basis for objection under 35 USC §112 (second paragraph).

SYMES

Appl. No. 09/960,728

February 22, 2005

Claim 15 is rejected in section 16 of the Official Action as allegedly failing to comply with the written description requirement of 35 USC §112 (first paragraph). Specifically, claim 15 is alleged to recite a computer-readable medium which is not disclosed in Applicant's specification. It is noted that the change in language in order to recite a "computer-readable medium" is a result of the Examiner's rejection of claim 15 in the previous Official Action at page 6, section 14. Having amended claim 15 as suggested by the Examiner, the Examiner now rejects the claim based upon the amendment. Reconsideration of the rejection is respectfully requested.

Moreover, Applicant's specification at page 4, lines 8-9 clearly discloses a "computer program product storing a computer program for controlling a general purpose computer" which, to all of those having ordinary skill in the art, means a "computer-readable medium" which stores the computer program for controlling a general purpose computer in the manner of Applicant's claims. Accordingly, any further objection or rejection of claim 15 is respectfully traversed.

Claims 1-12, 14 and 15 stand rejected under 35 USC §102(b) as being anticipated by Intel ("IA-64 Application Developer's Architecture Guide" May 1999). Applicant notes that at least the copy Intel provided by the Patent Office included only pages 7-117, 135, 150, 158, 169 and 182-184. As a result of the partial copy, it is entirely possible that there are other and more apparent reasons why Intel is not a reference against these claims under the provisions of 35 USC §102. However, even in view of the partial copy of the Intel document, it is apparently not an anticipatory reference.

For example, the Examiner at page 6 of the Official Action admits that "Intel's portions are modified before they are combined." The Examiner suggests that he uses the word

SYMES  
Appl. No. 09/960,728  
February 22, 2005

"comprising" in Applicant's claim as a rationale for otherwise ignoring the teaching of the Intel reference. The Examiner's rationale is seriously flawed for the following reasons. Applicant's independent claim 1 specifies three elements, i.e., (i) a shifting circuit; (ii) a bit portion selecting and combining circuit; and (iii) an instruction decoder. As a limitation on the instruction decoder, it performs an operation upon the data words Rn and Rm to yield a value given by the recited three-step process. It is noted that the phrase "said apparatus comprising" refers to the three structures recited in the claim. The three method steps serve to define the value provided by the instruction decoder. As will be readily apparent, any modification of the portions recited in the method for determining the value will change the value which is otherwise specified in claim 1.

The Examiner admits that in the Intel teaching the values "are modified before they are combined." As a result, they cannot possibly be combined so as to provide the value recited in Applicant's claim. The burden on the Examiner is to establish where each of Applicant's claimed elements is set out in the Intel reference. However, Applicant has amended the independent claims to eliminate the need for the word "comprising," thereby obviating any further alleged basis for citing Intel.

The Examiner has admitted that Intel does not teach an instruction decoder for performing an operation upon a data word Rn and a data word Rm where the operation provides "a value given by" the sequence of recited steps. As a result, quite clearly Intel fails to disclose or render obvious the subject matter of Applicant's independent claim 1. Additionally, claim 15 specifies a computer program for controlling a computer to perform the steps of decoding and executing an instruction that provides the value where the value is defined in the same manner as

SYMES  
Appl. No. 09/960,728  
February 22, 2005

the value in claim 1. Because this is missing from Intel's disclosure (as admitted by the Examiner), independent claims 14 and 15 cannot possibly be anticipated by Intel.

As a result of the above, because independent claims 1, 14 and 15 define over the Intel reference, all claims dependent thereon similarly define over Intel and any further rejection thereunder is respectfully traversed.

Claim 13 stands rejected under 35 USC §103 as obvious over Intel as previously applied. Claim 13 ultimately depends from claim 1, and therefore because Intel fails to disclose or render obvious the subject matter of claim 1, claim 13 is clearly patentable in view thereof.

**Entry of the Amendment under Rule 116**

Entry of the above Amendment under Rule 116 is respectfully requested. Applicant's amendments respond specifically to objections to claims 1, 14 and 15 which have been raised for the first time in the outstanding Final Rejection. The amendments rewording these independent claims to avoid using the "comprising" language by which the Examiner suggests he can avoid specific teachings in the Intel reference which would lead one of ordinary skill in the art away from Applicant's invention are believed appropriate.

Moreover, Applicant has provided *in haec verba* antecedent basis for terms which the Examiner has previously suggested lacked antecedent basis. Applicant has also deleted phrases objected to by the Examiner for the first time, i.e., "given by." Applicant has also responded to the recent notification that the title of the invention is not descriptive.

Accordingly, entry of the above amendments is believed appropriate, in that they do not raise new issues requiring further examination and/or search, they do not offer any objectionable

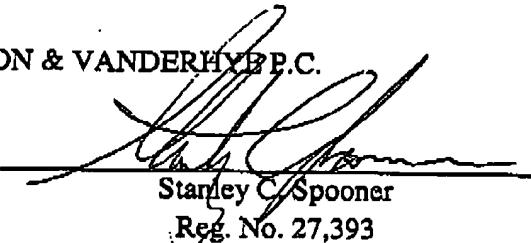
SYMES  
Appl. No. 09/960,728  
February 22, 2005

"new matter," they do eliminate issues of rejections under 35 USC §112 and therefore should be entered pursuant to Rule 116.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-15 are clearly patentable over the cited prior art and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Stanley C. Spooner  
Reg. No. 27,393

SCS:kmm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100